

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
ILIANA LOPEZ, on behalf of herself and all  
other similarly situated, :

Plaintiff, :

23-CV-1005 (VSB)

-against- :

**ORDER**

Jan's Boutique, Inc. :

Defendant. :

X  
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on February 2, 2023, (Doc. 1), and filed an affidavit of service on February 15, 2023, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was March 2, 2023. (*See* Doc. 5.) On March 13, 2023, I directed Plaintiff to seek default judgment by no later than April 4, 2023. (Doc. 6.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss Plaintiff's claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) To date, Defendant has not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: April 6, 2023  
New York, New York



VERNON S. BRODERICK  
United States District Judge